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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			HUNNINGS, TRAVIS R	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/674,936

Applicant(s)

MIHM ET AL.

Examiner

Travis R. Hunnings

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 12, 19, 22 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claims 5, 12, 19 and 26, the phrase "substantially" renders the claim indefinite because it is unclear how the wireless network can "substantially" conform to a protocol such as the IEEE 802.11 protocol, either the network conforms to the protocol or it does not. See MPEP § 2173.05(d). The claims will be judged on merit as if the word "substantially" was absent from the claim language.

4. Claim 22 recites the limitation "the proxy system" in line 6. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8-13, 15-20 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busick (US Patent 6,636,151) in view of Cash (US Patent 5,729,197).

Regarding claim 1, Busick discloses *Water Dispensing Station With Communication System* that has the following claimed subject matters:

The claimed method comprising detecting a fault in a monitored component in a first system is met by the controller monitoring the operability of the system by being able to activate an alarm or initiate a call to the service center when a component of the system has failed (abstract and col5 40-67).

However, Busick does not specifically disclose the claimed method comprising determining that a first communication interface cannot send an alert message regarding the fault and sending the alert message regarding the fault through a second communications interface to a proxy system for forwarding to a management system, the second communications interface communicably coupling the first system to the proxy system through a private network. Cash discloses *Automatic, Self-Triggering Alarm Processing System And Method* that teaches an alerting/alarm system with monitored areas and a remote receiver location for receiving alerts from the system utilizing two telecommunications

medium that detects if a selected first telecommunications medium is unable to send the alert and if so initiates the second telecommunications medium to send the alert (abstract and col7 29-44). In the preferred embodiment of Cash the first telecommunications medium is a regular wired telephone connection and the second telecommunications medium is a cell phone system. The cell phone infrastructure is a proxy system in that it accepts the incoming message regarding the alert and processes it in order to send it to the remote receiver location (management system). Implementing two telecommunications medium in the device of Busick in order to accomplish the method of providing a backup communications path in case of inability to operate the first communications medium would be beneficial because it would allow the device to provide the user with needed alerts even if there was a problem with the first communication medium. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Busick according to the teachings of Cash to have two communications medium in order to accomplish the method of determining that a first communication interface cannot send an alert message regarding the fault and sending the alert message regarding the fault through a second communications interface to a proxy system for forwarding to a management system.

Regarding claim 2, Busick and Cash disclose all of the claimed limitations. The claimed method wherein the first communications interface comprises a network interface configured to send alert messages to the management system

is met by the controller of Busick being able to automatically initiate calls to the service center regarding the operability of components of the system (abstract and col5 40-67).

Regarding claim 3, Busick and Cash disclose all of the claimed limitations. The claimed method wherein the second communications interface comprises a network interface configured to send alert messages to the proxy system is met by the cell phone telecommunications medium of Cash that sends messages to the infrastructure of cell phone towers and receiving stations in order to effectively route the message to the remote receiver location (col7 29-44). The cell phone network infrastructure is a proxy system for receiving and redirecting the alert message.

Regarding claim 4, Busick and Cash disclose all of the claimed limitations. The claimed method wherein the second communications interface comprises a wireless network interface is met by the telecommunications medium being a cell phone network which is inherently wireless (col7 29-44).

Regarding claim 5, Busick and Cash disclose all of the claimed limitations. The claimed method wherein the second communications interface conforms to the IEEE 802.11 protocol would have been obvious to one of ordinary skill in the art. Cash discloses using two telecommunications medium, one of which is wireless. The IEEE 802.11 protocol is well known in the art as a wireless

protocol and it would have been obvious to one of ordinary skill in the art to substitute another wireless communication interface for that of the cell phone interface.

Regarding claim 6, Busick discloses all of the claimed limitations except for the claimed method wherein the second communications interface comprises a wired network interface. Cash teaches utilizing two telecommunications medium, a wired medium and a wireless medium and means to select which will be the primary and secondary telecommunications medium (abstract). Adding the means to select which telecommunications medium is the primary medium to the device of Busick would give the user more flexibility with the system. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Busick according to the teachings of Cash to add means to select which telecommunications medium would be the primary medium that would allow the device to operate with a wired interface as the secondary communication interface.

Regarding claim 8, Busick discloses the following claimed subject matters:

The claimed device comprising a processor is met by the controller (abstract and figure 1A);

The claimed device comprising memory coupled to the processor is met by the controller which would have memory in order to properly operate the

program instructions that monitor the system and operate the automatic calling of the service center (abstract, col5 40-67 and figure 1A);

The claimed device comprising a first communications interface coupled to the processor and configured to send alert messages to a management system is met by the controller automatically initiating calls to a remote service center (col5 40-67).

However, Busick does not specifically disclose a second communications interface coupled to the processor and configured to send alert messages to a proxy system wherein the processor is operable to generate an alert message, determine that the first communications interface is unable to send the alert message and send the alert message through the second communications interface to the proxy system, the second communication interface communicably coupling the device to the proxy system through a private network. Cash teaches an alerting/alarm system with a central processor that runs a system with monitored areas and a remote receiver location for receiving alerts from the system utilizing two telecommunications medium that detects if a selected first telecommunications medium is unable to send the alert and if so initiates the second telecommunications medium to send the alert (abstract and col7 29-44). In the preferred embodiment of Cash the first telecommunications medium is a regular wired telephone connection and the second telecommunications medium is a cell phone system. The cell phone infrastructure is a proxy system in that it accepts the incoming message regarding the alert and processes it in order to send it to the remote receiver



location (management system). Implementing two telecommunications medium in the device of Busick in order to provide a backup communication path in case of inability to operate the first communications medium would be beneficial because it would allow the device to provide the user with needed alerts even if there was a problem with the first communication medium. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Busick according to the teachings of Cash to add a second communications interface coupled to the processor and configured to send alert messages to a proxy system wherein the processor is operable to generate an alert message, determine that the first communications interface is unable to send the alert message and send the alert message through the second communications interface to the proxy system.

Regarding claim 9, the claim is interpreted and rejected as claim 2 stated above.

Regarding claim 10, the claim is interpreted and rejected as claim 3 stated above. The cell phone network and cell phone used to communicate with that network would be considered a network interface.

Regarding claim 11, the claim is interpreted and rejected as claim 4 stated above.

Regarding claim 12, the claim is interpreted and rejected as claim 5 stated above.

Regarding claim 13, the claim is interpreted and rejected as claim 6 stated above.

Regarding claim 15, the claim is interpreted and rejected as claim 1 stated above. The controller of Busick would have to have some form of computer readable media and machine executable instructions to carry out the processes as described.

Regarding claim 16, the claim is interpreted and rejected as claim 2 stated above. The controller of Busick would have to have some form of computer readable media and machine executable instructions to carry out the processes as described.

Regarding claim 17, the claim is interpreted and rejected as claim 3 stated above. The controller of Busick would have to have some form of computer readable media and machine executable instructions to carry out the processes as described.

Regarding claim 18, the claim is interpreted and rejected as claim 4 stated above. The controller of Busick would have to have some form of computer

readable media and machine executable instructions to carry out the processes as described.

Regarding claim 19, the claim is interpreted and rejected as claim 5 stated above. The controller of Busick would have to have some form of computer readable media and machine executable instructions to carry out the processes as described.

Regarding claim 20, the claim is interpreted and rejected as claim 6 stated above. The controller of Busick would have to have some form of computer readable media and machine executable instructions to carry out the processes as described.

Regarding claim 22, Busick discloses the following claimed subject matters:

The claimed system comprising a monitored computer system communicably coupled to a first private network is met by the controller monitoring the computer-controlled water dispensing system and automatically initiating a call to a remote service center regarding the operability of the electronic components (abstract and col5 40-67).

However, Busick does not specifically disclose the claimed system operable to detect that an alert message cannot be sent to the management system through the first private network and send the alert message to the proxy

system through the second private network and a proxy system communicably coupled to the first private network and the second private network and operable to receive the alert message from the monitored system on the second private network and to forward the alert message to a management system communicably coupled to the first private network. Cash teaches an alerting/alarm system with a central processor that runs a system with monitored areas and a remote receiver location for receiving alerts from the system utilizing two telecommunications medium that detects if a selected first telecommunications medium is unable to send the alert and if so initiates the second telecommunications medium to send the alert (abstract and col7 29-44). In the preferred embodiment of Cash the first telecommunications medium is a regular wired telephone connection and the second telecommunications medium is a cell phone system. The cell phone infrastructure and the telephone infrastructure are proxy systems in that they accept the incoming message regarding the alert and process it in order to send it to the remote receiver location (management system). Implementing two telecommunications medium in the device of Busick in order to provide a backup communication path in case of inability to operate the first communications medium would be beneficial because it would allow the device to provide the user with needed alerts even if there was a problem with the first communication medium. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Busick according to the teachings of Cash to make the system operable to detect that an alert message cannot be sent to the

management system through the first network and send the alert message to the proxy system through the second network and to have a proxy system communicably coupled to the first network and the second network and operable to receive the alert message from the monitored system on the second network and to forward the alert message to a management system communicably coupled to the first network.

Regarding claim 23, Busick and Cash disclose all of the claimed limitations. The claimed system wherein the first private network comprises a wired network is met by the first telecommunications medium being a telephone network (col7 29-44).

Regarding claim 24, Busick and Cash disclose all of the claimed limitations. The claimed system wherein the second private network comprises a wireless network is met by the second telecommunications medium being a cell phone network (col7 29-44).

Regarding claim 25, Busick and Cash disclose all of the claimed limitations. The claimed system wherein the wireless network comprises a Bluetooth network would have been obvious to one of ordinary skill in the art. Cash discloses using two telecommunications medium, one of which is wireless. The Bluetooth protocol is well known in the art as a wireless protocol and it would

have been obvious to one of ordinary skill in the art to substitute another wireless communication interface for that of the cell phone interface.

Regarding claim 26, the claim is interpreted and rejected as claim 5 stated above.

7. Claims 7, 14, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busick in view of Cash and further in view of Emerson et al. (Emerson; US Patent 6,774,904).

Regarding claim 7, Busick and Cash disclose all of the claimed limitations except for the claimed method wherein the second communication interface comprises an Intelligent Chassis Management Bus. Emerson discloses *Operating System Independent Method And Apparatus For Graphical Remote Access Having Improved Latency* that teaches using an Intelligent Chassis Management Bus when communicating to a wide range of industry standard modems and other communication servers (col8 13-29). Implementing the second communications interface of Busick and Cash according to the Intelligent Chassis Management Bus would allow the device to communicate with a wider variety of electronic devices, including terminal servers. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Busick and Cash according to the teachings of

Emerson to modify the second communication interface to comprise an Intelligent Chassis Management Bus.

Regarding claim 14, the claim is interpreted and rejected as claim 7 stated above.

Regarding claim 21, the claim is interpreted and rejected as claim 7 stated above. The controller of Busick would have to have some form of computer readable media and machine executable instructions to carry out the processes as described.

Regarding claim 27, the claim is interpreted and rejected as claim 7 stated above.

### ***Response to Arguments***

8. Applicant's arguments filed 21 February 2006 have been fully considered but they are not persuasive. The applicant argues the following:

Argument A: Applicant argues that the Cash reference does not teach sending the alert through a 'private' network.

Argument B: Applicant argues that the cellular phone infrastructure does not specifically handle alert messages differently from other communications on the cellular phone infrastructure and is therefore not a proxy system.

Responses:

Regarding argument A, any phone infrastructure, whether it be a wired or a wireless telephone system, the individual user has to pay a particular group or company a fee to utilize that system (e.g. monthly fees for cellular phone usage on particular networks) and therefore the phone infrastructures are not available to the general public but instead are only available to those who pay to use the service and would therefore be considered a private service/network.

Regarding argument B, the device disclosed by Busick and Cash uses one communication system (the wired telephone line) to send a first network message and when it is not possible to send that message over the first communication network the system will send the message over the cellular telephone network. Therefore the cellular telephone acts as a proxy (definition: a substitute; acting in the place of another) network for the wired network by sending the alert message through its network.



### ***Conclusion***


9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
THOMAS MULLEN  
PRIMARY EXAMINER  
AV 2612

TRH